

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen Kaufman on 01/14/2010.

1. (Currently Amended) A method for a network-based facility, the method comprising:
 - receiving submission of a complaint at a network-based facility, the complaint being related to a failed transaction that is not completed by a party, the party is a buyer and the transaction is not completed by the buyer for the reason that the buyer failed to send a payment to a seller;
 - facilitating, a resolution of the complaint;
 - determining, by a processor, the complaint is not resolved;
 - at the network-based facility and using one or more processors, updating a record associated with the failed transaction that is not completed by the buyer, the updating the record including incrementing a first count of failed transactions not completed by the buyer for the reason that the buyer failed to send a payment to the seller;
 - communicating a user interface to a client machine of a seller, the user interface including a second count of failed transactions not completed by the buyer, the second count including the first count of failed transactions not completed by the buyer for the reason that the buyer failed to send a payment to the seller; and
 - updating a seller refund request table upon crediting a fee previously charged to the seller by the network-based facility based on the failed transaction back to the seller.
2. (Previously presented) the method of claim 1, further comprising:
 - facilitating submission of a refund request for the fee if the complaint is not resolved.
3. (Previously Presented) The method of claim 2, wherein the facilitating of the submission of the refund request includes:
 - providing an interface to facilitate input of information for the refund request.

4. (Previously Presented) The method of claim 1, wherein facilitating the submission of the complaint includes:

providing an interface to facilitate input of information for the complaint.

5. (Original) The method of claim 1, wherein facilitating the resolution of the complaint includes:

notifying the party that the complaint has been submitted against the party.

6. (Previously Presented) The method of claim 1, further comprising:

determining the first count exceeds a predetermined count value;

responsive to the determining, suspending the party from participating in future transactions.

7. (Previously Presented) The method of claim 1, wherein the network-based facility includes a network-based online auction facility and the transaction includes a network-based online auction transaction.

8. (Currently Amended) A network based facility system comprising:

a database configured to maintain a plurality of records of network-based transactions, the plurality of records including a first record; and

a processor configured to facilitate submission of a complaint, the complaint being associated with a first record maintained by the database, the first record relating to a failed transaction that has not been completed by a party for the reason that the buyer failed to send a payment to a seller, the processor to facilitate a resolution of the complaint, the processor configured to determine the complaint is not resolved and to update the first record, the first record indicating a first count of failed transactions that have not been completed by the buyer for the reason that the buyer failed to send a payment to the seller, the processor configured to communicate a user interface to a seller, the user interface includes a second count of failed transactions not completed by the buyer, the second count includes the first count of failed transactions not completed by the buyer for the reason that the buyer failed to send a payment to the seller, the processor configured to update a seller refund request table upon crediting a fee previously charged to the seller by the network-based facility based on the failed transaction back to the seller.

9. (Previously Presented) The network-based facility of claim 8, wherein the processor is to facilitate submission of a refund request for the fee if the complaint is not resolved.

10. (Original) The network-based facility of claim 9, wherein the processor is to provide an interface to facilitate input of information for the refund request.

11. (Original) The network-based facility of claim 8, wherein the processor is to provide an interface to facilitate input of information for the complaint.

12. (Original) The network-based facility of claim 8, wherein the processor is to notify the party that the complaint has been submitted against the party.

13. (Previously Presented) The network-based facility of claim 8, wherein the processor is to determine the first count exceeds a predetermined count value; and to suspend the party from participation in future transactions responsive to the determination.

14. (Previously Presented) The network-based facility of claim 8, wherein the network-based facility includes a network-based online auction facility and the transaction includes a network-based online auction transaction.

15. (Currently Amended) A non-transitory machine-readable medium that provides instructions, which when executed by a machine, cause the machine to:

- facilitate submission of a complaint to a network-based facility, the complaint being related to a failed transaction that has not been completed by a party, the party is a buyer and the transaction is not completed by the buyer for the reason that the buyer failed to send a payment to a seller;

- facilitate a resolution of the complaint;

- determine the complaint is not resolved;

- update a record associated with the failed transaction that has not been completed by the buyer, the record indicating a first count of failed transactions that have not been completed by the buyer for the reason that the buyer failed to send a payment to the seller;

- communicate a user interface to a seller, the user interface includes a second count of failed transactions not completed by the buyer, the second count includes the first count of failed transactions not completed by the buyer for the reason that the buyer failed to send a payment to the seller; and

- update a seller refund request table upon crediting a fee previously charged to the seller by the network-based facility based on the failed transaction back to the seller.

16. (Currently Amended) The non-transitory machine-readable medium of claim 15, further comprising instructions, when executed by the machine, cause the machine to:

determine the complaint is not resolved; and
facilitate submission of a refund request for the fee.

17. (Currently Amended) The non-transitory machine-readable medium of claim 16, further comprising instructions, when executed by the machine, cause the machine to:

provide an interface to facilitate input of information for the refund request.

18. (Currently Amended) The non-transitory machine-readable medium of claim 15, further comprising instructions, when executed by the machine, cause the machine to:

provide an interface to facilitate input of information for the complaint.

19. (Currently Amended) The non-transitory machine-readable medium of claim 15, further comprising instructions, when executed by the machine, cause the machine to:

notify the party that the complaint has been submitted against the party.

20. (Currently Amended) The non-transitory machine-readable medium of claim 15, further comprising instructions, when executed by the machine, cause the machine to:

determine the first count exceeds a predetermined count value; and
suspend the party to participate in future transactions with the network-based facility.

21. (Cancelled)

22. (Previously Presented) The network-based facility of claim 28, wherein the second means is for facilitating submission of a refund request for the fee if the complaint is not resolved.

23. (Previously Presented) The network-based facility of claim 22, wherein the second means is for providing an interface to facilitate input of information for the refund request.

24. (Previously Presented) The network-based facility of claim 28, wherein the second means is for providing an interface to facilitate input of information for the complaint.

25. (Previously Presented) The network-based facility of claim 28, wherein the second means is for notifying the party that the complaint has been submitted against the party.

26. (Previously Presented) The network-based facility of claim 28, wherein the second means is for determining whether the first count exceeds a predetermined count value; and for suspending the party from participating in future transactions.

27. (Previously Presented) The network-based facility of claim 28, wherein the network-based facility includes a network-based online auction facility and the failed transaction includes a failed network-based online auction transaction.

28. (Previously Presented) A network-based facility, comprising:

- a first means for maintaining a plurality of records of network-based transactions, the plurality of records including a first record; and

- a second means for facilitating submission of a complaint, the complaint being associated with the first record relating to a failed transaction that has not been completed by a party, the party is a buyer and the transaction is not completed by the buyer for the reason that the buyer failed to send a payment to a seller;

 - facilitating a resolution of the complaint;

 - determining the complaint is not resolved;

- updating the first record to indicate a count of failed transactions that have not been completed by the buyer, the updating the record including incrementing a first count of failed transactions not completed by the buyer for the reason that the buyer failed to send a payment to the seller;

- communicating a user interface to a seller, the user interface including a second count of failed transactions not completed by the buyer, the second count including the first count of failed transactions not completed by the buyer for the reason that the buyer failed to send a payment to the seller; and

- updating a seller refund request table upon crediting a fee previously charged to the seller by the network-based facility based on the failed transaction back to the seller.

29-30. (Cancelled)

31. (Previously Presented) The method of claim 1, further comprising:

- determining the first count exceeds a predetermined count value; and

- responsive to the determining, communicating a warning to the party of a suspension from participating in future transactions.

32. (Previously Presented) The method of claim 31, further including receiving an appeal from the party and denying the appeal.

33. (Previously Presented) The method of claim 31, further including receiving an appeal from a party and granting the appeal.

34. (Previously Presented) The method of claim 32, further including decrementing the count of failed transactions not completed by the party responsive to the granting of the appeal.

35-38. (Cancelled)

39. (Previously Presented) The method of claim 1, wherein the second count of failed transactions is based on a number of failed transactions not completed by the buyer for the reason that the buyer sent a payment to the seller that was fraudulent.

40. (Previously Presented) The method of claim 1, wherein the second count of failed transactions is based on a number of failed transactions not completed by the buyer for the reason that the buyer made a fraudulent payment to the seller.

41. (Previously Presented) The method of claim 1, wherein the second count of failed transactions is based on a number of failed transactions between the buyer and the seller that are not completed.

42. (Previously Presented) The method of claim 1, wherein the interface includes a list of failed transactions that are not completed, wherein the failed transactions include the buyer and a plurality of sellers.

The following is an examiner's statement of reasons for allowance:

Vaidyanathan, Ojha, Tal and eBay Feedback Forum (NPL) singly or in combination fail to teach or suggest updating a seller refund request table upon crediting a fee previously charged to the seller by the network based facility based on the failed transaction back to the seller. Further Ojha relates a value indicative of a buyer's reputation that is based on non-binding or frivolous bids not "a first count of failed transactions not completed by the buyer for the reason that the buyer failed

to send a payment to the seller" because a non-binding bid carries no obligation to send a payment to the seller. The bids of Ojha are non-binding, therefore they do not constitute a completed transaction. Tal teaches that the complaints are indexed according to a reason for the complaint about a buyer, and are maintained in a database and are available for viewing by other parties: all defaults and disputes remain in the database unless cured in the given time. Tal does not include a count based incremented based on a number of failed transactions. The Feedback Forum relates to an online reputation, and no failed transactions need to have occurred to use the feedback system. While a failed transaction may result in a -1 feedback from another eBay user, a negative aggregate feedback score is not equivalent to a second count of failed transactions not completed by the buyer as recited in claim 1. Further, and for at least the same reasons, the scoring system of Feedback Forum does not provide a first count of failed transactions not completed by the buyer for the reason that the buyer failed to send a payment to a seller.

Other Publications:

1. Online Resolution Settles E-Commerce, Business, and Insurance Disputes Online Without Going to Court. (8 November). *PR Newswire*, 1. Retrieved January 16, 2010, from Business Dateline.
2. Holiday e-Shoppers to Get Double Assurance as Two Consumer Groups Partner To Promote Safer Shopping On-line. (16 November). *PR Newswire*, 1. Retrieved January 16, 2010, from Business Dateline.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abhishek Vyas whose telephone number is 571-270-1836. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Thur, ALT Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AV

Examiner, Art Unit 3691

/Hani M. Kazimi/

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